

ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, October 24, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Mary Erickson - 651-266-8565 Office of the City Council

Reminder: There will not be a meeting on October 31, the fifth Wednesday of the month.

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0

CONSENT AGENDA (Items 1 - 27)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Ling Chen, Lois J. McGee Harrison, Joanne K. Nguyen, Matthew J. Pahs, Joshua J. Plumley, Caddy (Carolyn) A. Rowland, Christine M. Schouveller, Hanh Vo, Neng Vue, and George J. Wallin.

Referred to Risk Management

2. Summons and Complaint in the matter of Thomas J. Walters, III vs. the City of Saint Paul.

Referred to the City Attorney's Office

3. First Amended Appeal of Special Assessment in the matter of Hyacinth Properties, LLC vs. the City of St. Paul. (Property at 55 and 65 W. Hyacinth)

Referred to the City Attorney's Office

- 4. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on November 7, 2007 to consider the appeal of Mr. Galaleldin Hussein to a decision of the Planning Commission denying a conditional use permit for outdoor auto sales at 373 Ruth Street North. (ZF 07-169-078)
- 5. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on November 7, 2007 to consider the application of James and Angela Goddard for variance of subdivision regulations to permit the creation of a dead-end alley by vacating a section of the alley from 535 Montcalm Place north to Montcalm Place. [ZF 07-169-743]
- 6. Letter from the Office of the City Attorney announcing a hearing before an Administrative Law Judge on October 30, 2007 at 9:30 a.m. in the Office of Administrative Hearings, 600 North Robert Street-First Floor, Saint Paul, MN to consider the Retail Food Restricted Food Service; Retail Food (C) Grocery 1001-2000 Sq. Ft., and Cigarette/Tobacco licenses held by Gas It For Less & Food, Inc., d/b/a West 7th Market, 675 7th Street West; and the Gas Station license application submitted by Gas It For Less & Food, Inc., d/b/a West 7th Market, 675 7th Street West.
- 7. Letters from the Department of Safety and Inspections/Code Enforcement declaring 733 Bradley Street, 894 Clark Street, 400 Edmund Avenue, 470 Lawson Avenue West, 1445 Mechanic Avenue, 262 Sidney Street East, and 505 Whitall Street as nuisance properties. (For notification purposes only; public hearings will be held at a later date if necessary.)

8. Administrative Order:

D002679 Authorizing the Police Department to remit payment for travel for the Chair of the Police-Civilian Internal Affairs Review Commission, a non-city employee, to attend the "National Association of Civilian Oversight of Law Enforcement" annual conference in San Jose, CA from September 25-28, 2007.

On file with the City Clerk

FOR ACTION

9. Resolution – 07-1005 – Approving the appointment of Todd Axtell and the reappointments of Ted Davis and Mary Jo Woolf, by Mayor Coleman, to the Saint Paul RiverCentre Convention and Visitors Authority. (GS 3045318)

Adopted Yeas - 7 Nays - 0

10. Resolution – 07-1006 – Authorizing the execution in 2007 of a swap agreement associated with RiverCenter Arena debt. (GS 3044690)

Adopted Yeas -6 Nays -0 Abstension -1 (Harris)

11. Resolution – 07-1007 – Appointing outside counsel for a City employee in a personal injury lawsuit. (GS 3045142)

Adopted Yeas - 7 Nays - 0

12. Resolution – 07-1008 – Memorializing City Council action taken October 3, 2007 denying the appeal, with conditions, of Tom Dimond to a decision of the Planning Commission approving the vegetation plan for the floodwall and sewer work at Holman Field, 644 Bayfield Street. (GS 3045271)

Adopted Yeas - 7 Nays - 0

13. Resolution – 07-1009 – Granting a refund of the zoning appeal fee in the matter of Zoning File 07-074111. (GS 3045190)

Adopted Yeas - 7 Nays - 0

14. Resolution – 07-1010 – Submitting proposed amendments to Section 64.414 of the Saint Paul Legislative Code, entitled "Roof Signs," to the Planning Commission for study. (GS 3045326)

 $Adopted \qquad Yeas-7 \qquad Nays-0$

15. Resolution – 07-1011 – Requesting that except for necessary repairs and maintenance to Ayd Mill Road, no additional funds shall be appropriated for, or construction done, on Ayd Mill Road until the Environmental Impact Statement (EIS) is complete and the Ayd Mill Road Task Force be reconvened to revise the final EIS. (GS 3045317)

Substitute introduced, amended, and adopted

Yeas - 7 Nays - 0

16. Resolution – 07-1012 – Approving the decision of the Legislative Hearing Officer on Appeals of Letters of Deficiency for properties at 1517 Grand Avenue, 1208 Kent Street, 1069 Ross Avenue, 1307 Thomas Avenue, and 1108 Wilson Avenue. (GS 3045315)

Adopted Yeas - 7 Nays - 0

17. Resolution – 07-1013 – Waiving the 45-day notification requirements and granting, with conditions, Liquor On Sale (over 100 seats), Liquor On Sale 2:00 a.m. Closing, and Liquor On Sale-Sunday licenses to The Strip Club Meat and Fish, 378 Maria Avenue. (GS 3045270)

Adopted Yeas - 7 Nays - 0

18. Resolution – 07-1014 – Authorizing the Division of Parks and Recreation to increase the security budget in the General Fund as is necessary to enter into an agreement with Biko Associates, Inc. to furnish professional services for the Bicycle Transportation Master Plan. (GS 3044530)

Adopted Yeas - 7 Nays - 0

19. Resolution – 07-1015 – Authorizing the Police Department to enter into a Memorandum of Understanding with the United States Marshals Service (USMS) to participate in the District Fugitive Task Force with the USMS to assist in the apprehension of fugitives. (GS 3044694)

Adopted Yeas - 7 Nays - 0

20. Resolution – 07-1016 – Authorizing the Police Department to enter into a 2007 Internet Crimes Against Children (ICAC) grant. (GS 3044770)

Adopted Yeas - 7 Nays - 0

21. Resolution – 07-1017 – Establishing a 2007 financing and spending plan in the Police Department for the 2006 Buffer Zone Protection grant. (GS 3044790)

Adopted Yeas – 7 Navs – 0

22. Resolution – 07-1018 – Establishing the 2008 Residential Street Vitality Program assessment rates. (GS 3044660)

Adopted Yeas - 7 Nays - 0

23. Resolution – 07-1019 – Granting fund approval of the 2008 Residential Street Vitality Project areas and tentative approval of 2009-2012 project areas. (GS 3044662)

Adopted Yeas - 7 Nays - 0

24. Resolution – 07-1020 – Authorizing the withholding of tax forfeit parcels from public sale for six months. (GS 3045118)

Adopted Yeas – 6 Nays – 0 (Benanav not present)

25. Resolution – 07-1021 – Amending the legal description for an easement approved by Council File 07-270 on March 25, 2007 granted to the City from Regions Hospital. (GS 3044970)

Adopted Yeas - 7 Nays - 0

26. Resolution – 07-1022 – Accepting conveyance of a Downtown Tot Lot parcel from the Housing and Redevelopment Authority and execution of related promissory note. (GS 3045172)

Adopted Yeas - 7 Nays - 0

27. Resolution Approving Assessment – 07-1023 – In the matter of summary abatements (graffiti removal) on private properties from August 28 to September 11, 2007 (J0705P); summary abatements (property clean up) on private properties from August 30 to September 13, 2007 (J0715A); providing weekly garbage hauling services from August 31 to September 12, 2007 (J0715G); summary abatement for the excessive consumption of inspection services for property code violations billed from May 17 to June 27, 2007 (J0705E); and setting date of Legislative Hearings for November 20, 2007 and City Council public hearings for January 16, 2008. (GS 3044668)

Adopted Yeas - 7 Nays - 0

FOR DISCUSSION

28. Resolution – 07-994 – Adopting the Central Corridor Development Strategy as a Chapter of the City's Comprehensive Plan. (Laid over from October 17) (GS 3044931)

Substitute introduced and adopted

Yeas -6 Nays -0 (Benanav not present)

29. Resolution Ratifying Assessment - 07-995 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections from January to June 2007. [File No. SWRP0702B] (Laid over from October 17) (GS 3044172)

Adopted Yeas – 6 Nays – 0 (Benanav not present)

30. Consideration of the application of James McCann for a Combined Plat for Update Addition to create five (5) industrial parcels and variance of parkland dedication requirement at 2340 Capp Road and 2325 Endicott Street, southwest corner at Hersey Street. (ZF 07-087-802) (Public hearing held and laid over from October 17)

Motion of Intent – Application granted Yeas – 6 Nays – 0 (Montgomery not present)

31. Resolution – 07-959 – Amending the 2007 budget to provide for the scope changes needed in the renovation of the 15th floor City Hall Annex and for the repayment of the loan in 2007. (Laid over from October 17) (GS 3040831)

Laid over to November 7

Yeas - 5 Nays - 1 (**Helgen**) (**Benanav not present**)

32. Resolution – 07-960 – Amending the financing and spending plans of the Selby, Victoria, Minnehaha, and Jessamine at Como Place projects by transferring MSA funding from Selby Streetscape Phase I and PIA from the 2000 Local Street Improvement Program. (Laid over from October 17) (GS 3042031)

Laid over to November 7

Yeas – 5 Nays – 1 (Helgen) (Benanav not present)

33. Resolution – 07-961 – Amending the spending and financing plans of the 2006 Residential Street Vitality Program by adding assessments and SPRWS funding and transferring Sewer, PIA, and Street Improvement Bonds from other capital projects. (Laid over from October 17) (GS 3043432)

Laid over to November 7

Yeas – 5 Nays – 1 (Helgen) (Benanav not present)

34. Resolution – 07-962 – Amending the spending and financing plans of the St. Peter/Rondo Storm Tunnel Phase II project by transferring 2007 funding from the Sewer Utility Fund, and surplus funding from the St. Peter/Rondo Storm Tunnel Phase I project. (Laid over from October 17) (GS 3043100)

Laid over to November 7

Yeas – 5 Nays – 1 (Helgen) (Benanav not present)

35. Resolution – 07-964 – Amending the spending and financing plans of the 2007 Residential Street Vitality Program by adding SPRWS, STAR Grant funds and alley assessments and transferring Major Sewer Repair, Stormwater Quality Improvements, MSA, and CIB funds from other capital projects. (Laid over from October 17) (GS 3043390)

Laid over to November 7

Yeas – 5 Nays – 1 (Helgen) (Benanav not present)

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>.

- 36. Final Adoption 07-925 An ordinance amending Section 140.06 of the Saint Paul Legislative Code regulating conduct in the skyway system by deleting obsolete language and adding new language reflecting changes in the administrative process for regulating skyway conduct. (GS 3041970)
 - Adopted Yeas 7 Nays 0
- 37. Final Adoption 07-926 An ordinance amending Chapter 366A of the Saint Paul Legislative Code, Parades, Races, and Public Assemblies by moving skyway permits to Chapter 140. (Substitute introduced October 17) (GS 3043363)

 Adopted Yeas 6 Nays 0 (Montgomery not present)
- 38. Second Reading 07-992 An ordinance amending Chapter 345 of the Saint Paul Legislative Code (Peddlers, Solicitors and Transient Merchants) to ensure safety outside entertainment venues and to clarify other requirements. (GS 3044330) Laid over to November 14 for second reading

- 39. Second Reading 07-1003 An ordinance amending Chapter 33 of the Saint Paul Legislative Code to raise permit fess 10%. (GS 3045313)
 - Laid over to November 7 for third reading/public hearing
- 40. Second Reading 07-1004 An ordinance amending Chapter 370 of the Saint Paul Legislative Code to increase fees 10% for Certificate of Competency examinations. (GS 3045310)

Laid over to November 7 for third reading/public hearing

Suspension Items

Resolution – 07-1024 – Waiving the 45-day notice requirement and granting On Sale Wine and On Sale Malt (Strong) licenses to Ruam Mit thai, Inc., d/b/a Ruam Mit Thai, 475 St. Peter Street. (GS 3045539)

Adopted Yeas - 7 Nays - 0

Resolution – 07-1025 – Waiving the 45-day notice requirement and granting On Sale Wine and On Sale Malt (Strong) licenses to Firefly air Solutions, LLC, d/b/a 128 café, 128 N. Cleveland Avenue. (GS 3045534)

Adopted Yeas - 7 Nays - 0

First Reading – 07-1026 – An ordinance amending Chapter 64 of the Saint Paul Legislative Code to ban new roof signs. (GS 3045535)

Laid over to November 7 for second reading

First Reading – 07-1027 – An ordinance amending Chapter 64 of the Saint Paul Legislative Code pertaining to roof signs by adding new language regulating the orientation and design appearance of roof signs. (GS 3045537)

Laid over to November 7 for second reading

Resolution – 07-1028 – Memorializing City Council action taken October 17, 2007 denying the appeal, with addition of modified variances, of Judith Beck and 31 neighbors to a decision of the Board of Zoning Appeals approving the variances for lot coverage and setbacks to redevelop the St. Paul Church Home site for senior housing with underground parking and townhomes at 484 Ashland Ave.

 $Adopted \qquad Yeas-7 \qquad Nays-0$

Council Meeting Information

Web

Meetings are available on the Council's Web site. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit http://www.stpaul.gov/council/ for meeting videos and updated copies of the agendas, minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)
